

**Notice of Allowability**

Application No.

10/715,769

Examiner

J. Derek Rutten

Applicant(s)

INAGAKI ET AL.

Art Unit

2192

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/21/07 Appeal Brief.
2. ☒ The allowed claim(s) is/are 1-5, 7-16, and 18-22 (renumbered 1-20).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20070601</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|  | 9. <input type="checkbox"/> Other _____  |

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER

### **DETAILED ACTION**

1. This action is in response to Applicant's Appeal Brief filed 2/21/07, responding to the 11/21/06 final Office action which detailed the rejection of claims 1-22. Applicant's arguments, see pages 19-20, filed 2/21/07, with respect to the rejection of claims 6 and 17 under 35 U.S.C. § 103(a) have been fully considered and are persuasive. The rejection of claims 6 and 17 has been withdrawn and prosecution has been reopened.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott D. Paul, Reg. No. 42,984, on 1 June 2007. In the interview, it was agreed to incorporate the features of dependent claims 6 and 17, into the respective independent claims 1 and 12.

The application has been amended as follows:

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*--Begin Examiner's Amendment--*

In the Claims:

Claims 6 and 17 are canceled. Also, claims 1 and 12 are amended as follows:

Claim 1. (Currently Amended) An information processor suitable for executing a routine including a tracing process for collecting information related to multithreading processing status, the information processor comprising:

routine registration means for registering a routine being executed for each thread being activated; and

level determination means for determining a level of a tracing process for the routine being executed based on registration information registered by the routine registration means,

wherein the level determination means indicates permission, in determining the level of the tracing process for the routine being executed, for unrestricted execution of a tracing process if a routine identical to, or in a predetermined relation with, the routine being executed is registered.

Claim 6. (Canceled)

Claim 12. (Currently Amended) A tracing process method in an information processor suitable for executing a routine including a tracing process for collecting information related to multithreading processing status; the tracing process method comprising:

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a routine registration step for registering a routine being executed for each thread being activated; and

a level determination step for determining a level of the tracing process for the routine being executed based on information included in the registration,

wherein the level determination step indicates permission, in determining the level of a tracing process for the routine being executed, for unrestricted execution of the tracing process if any routine identical to, or in a predetermined relation with, the routine being executed is registered.

Claim 17. (Canceled)

--End Examiner's Amendment--

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3. Note that the above examiner's amendment has obviated the prior rejections under 35 U.S.C. § 101, which are hereby withdrawn. Further, note that the claims have been interpreted in light of a telephone interview with Scott D. Paul, Reg. No. 42,984, on 1 June 2007, when it was persuasively argued that the elements of claim 1 are directed to system hardware components necessary to execute software, and therefore comprises statutory subject matter.

***Allowable Subject Matter***

4. Claims 1-5, 7-16, and 18-22 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The examiner indicated that this application would be in condition for allowance if the independent claims 1 and 12 are amended to include the features of claims 6 and 17, respectively. The above features, taken in combination with all remaining features of the independent claim are not taught or suggested by the prior art of record, as persuasively pointed out by Applicants (see pages 19-20, filed 2/21/07). The applicant agreed to amend the independent claims 1 and 12 as indicated by the examiner. The distinctions provided by the independent claims apply equally to all dependent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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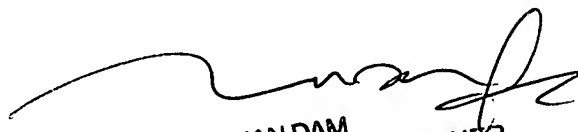
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (571)272-3703. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jdr

  
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